IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Crl.Rev.Pet.No. 1762 of 2007()

CRA.644/2005 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.15/2005 of JUDL.MAGISTRATE OF FIRST CLASS-II(MOBILE),ALAPPUZHA

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REVN. PETITIONER/APPELLANT/ACCUSED:

T.C. JAYAPPAN @ JAYAPRAKASH,
AGED 50 YEARS, S/O. THANKAPPAN,
CHITTEZHAM, WARD NO. IV, ARYAD PANCHAYATH,
ALAPPUZHA.

BY ADV. SRI.GOKUL DAS V.V.H.

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. THANKAMANI, D/O. KARUNAKARAN,
CHERUNKAL, WARD NO. VII, ARYAD PANCHAYATH,
ALAPPUZHA.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI SREENIVNAYAKAN K.V.
R2 BY PUBLIC PROSECUTOR ADV. SMT. K.L. LAKSHMI RANI.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 1762 OF 2007

Dated this the 20th day of April,2007

O R D E R

The petitioner was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act. On appeal by the accused, the Appellate Court confirmed the conviction and sentence and dismissed the appeal. The accused has come up in revision challenging the conviction and sentence.

2. Crl.M.A. No.4952 of 2007, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

3. In the result, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the

petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure. The petitioner is undergoing imprisonment in Sub Jail, Kollam. The petitioner shall be released from jail forthwith if his detention is not otherwise required in any other case.

Issue certified copy of the order urgently.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 4952 OF 2007
in
Crl.R.P.No. 1762 of 2007

Dated this the 20th day of April,2007

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the first respondent/ complainant. It is stated that the matter is settled between the parties and that the complainant has no intention to proceed further against the revision petitioner. The accused is now undergoing imprisonment in Sub Jail, Kollam. In the facts and circumstances of the case, the application is allowed.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 4903 OF 2007

in

Crl.R.P.No. 1762 of 2007

Dated this the 20th day of April, 2007

O R D E R

This is an application to condone the delay of 165 days in filing the Revision. The application is not opposed by the first respondent. It is stated that the matter is compromised between the parties. Accordingly, the delay is condoned. Number the application under Section 147 of the Negotiable Instruments Act as well as the Revision.

(K.T.SANKARAN)
Judge

ahz/